



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**NOV 21 2013**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Article No.: 7012 1640 0001 7091 7453

Tim Czmowski  
General Manager  
Agropur, Inc.  
332 Division Street  
Hull, Iowa 51239

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)**

**IMMEDIATE ATTENTION REQUIRED**

Dear Mr. Czmowski:

On June 17-20, 2013, a representative of the United States Environmental Protection Agency performed an inspection of the Agropur, Inc.'s waste water treatment facility to assess the facility's compliance with its National Pollutant Discharge Elimination System Permit No. IA0081621. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report was submitted to you on or about October 25, 2013. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires Agropur, Inc. to provide the information requested in the **ENCLOSURE** by the deadlines and to the address identified therein.

**Guidance on How to Respond**

Please read the instructions included in the enclosure carefully before preparing your responses to this Information Request.

**Important Information about This Request and the Response**

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's June 2013 inspection.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The facility may assert a business confidentiality claim with respect to part

or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the facility. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Mr. Lantz Tipton, at phone number (913) 551-7892.

Sincerely,

A handwritten signature in black ink, reading "Karen A. Flournoy". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

Enclosure

cc: Ken Hessenius, IDNR FO #3

## ENCLOSURE

## INFORMATION REQUEST

**Re: Agropur, Inc. – Hull, IA**

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

### **I. Instructions**

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. **Confidential Business Information.** If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. **Accurate and Truthful Information Required.** Compliance with this information request is mandatory. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.
6. **Submission of Response to Information Request.** All responses to this Information Request must be submitted within the timeframes identified in Section II, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

**Lantz Tipton  
U.S. Environmental Protection Agency  
Water, Wetlands and Pesticides Division  
11201 Renner Boulevard  
Lenexa, Kansas 66219**

## ENCLOSURE

### **II. Requested Information**

Please submit your response to this Information Request as directed below in Section II, to the address provided in Section I.

Note that except for a cover letter or memorandum, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disc in PDF, Word, Excel or other widely available electronic format.

#### **Preliminary Information**

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.

#### **Outfall and Receiving Stream Information**

Within thirty (30) days of receipt of this information request, provide the following information:

3. In order to determine whether the facility is in compliance with its NPDES permit, the facility shall provide an explanation of the biomass growth at the facility's outfall structure, and the floating material in the receiving stream immediately downstream from the outfall structure. The explanation shall include the detailed reports and/or results of any investigations or laboratory analyses conducted by the facility to identify each or any of the unknown substances described above.

The facility shall also provide a description of any preventative measures or process that the facility has developed or incorporated in order to prevent an accumulation or buildup of the substances at the outfall and in the receiving stream.